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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/567,455

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EXAMINER

HEALY, BRIAN

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/567,455	Applicant(s) SAKURAI ET AL.	
	Examiner BRIAN M. HEALY	Art Unit 2883	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-22 is/are allowed.
- 6) ☒ Claim(s) 1 and 3-6 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20070711;20079504;20060207</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Allowable Subject Matter

2. Claims 7-22 are allowed.
3. Neither Matsuura et. al., U.S.P. No. 6,862,016 or Brown Elliot, U.S.P. No. 7,307,646 (teachings discussed below) do not teach or suggest, either taken singly or in combination with each other, the method of manufacturing an image display device including the steps of having opposed substrates with sealed cells including either gas, liquid, solid, particles or liquid powders; forming a first layer made of photosensitive color composite on one substrate, forming a second layer made of a photosensitive composite which has a light transmission higher than that of the first layer and a thickness larger than that of the first layer, performing an exposure through a mask with respect to the first layer and second layer on the substrate; performing a developing and a washing with respect to the exposed first and second layer so as to form color partitioning walls on the substrate and connecting the other substrate to the color partition walls. These limitations are recited in method claim 7. Dependent claims 8-12 are inclusive of the limitations of claim 7 as well as other additionally recited limitations. See the dependent claims 8-12 for the specifics of these additional limitations.
4. Neither Matsuura et. al., U.S.P. No. 6,862,016 or Brown Elliot, U.S.P. No. 7,307,646 (teachings discussed below) do not teach or suggest, either taken singly or in

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combination with each other having an image display device which uses particles or liquid powders sealed in cells with the cells being isolated by partition walls between two opposed substrates characterized in that the partition walls are made by a photolithography method so that the shape of the partition walls is a taper shape and such that a width of an end portion at a side of a rear substrate is larger than that at a side of a front substrate. These limitations are recited in claim 13. . Dependent claims 14-22 are inclusive of the limitations of claim 13 as well as other additionally recited limitations. See the dependent claims 14-22 for the specifics of these additional limitations

5. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Neither Matsuura et. al., U.S.P. No. 6,862,016 or Brown Elliot, U.S.P. No. 7,307,646 (teachings discussed below) do not teach or suggest, either taken singly or in combination having a ratio of cell area/piel area being smaller than 4. This is recited in claim 2.

6.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 1 and 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuura et. al., U.S.P. No. 6,862,016 in view of Brown Elliot, U.S.P. No. 7,307,646.

9. Matsuura et. al. U.S.P. No. 6,862,016 teaches (Figs.1-32e) an electrostatic imaging display device and a method of making same comprising: at least two transparent opposed substrates 111,112 between which is formed individual isolated sealed rectangularly shaped cells with partition walls 13 and with each cell being filled with dry particles DL which display an image in the presence of an electrostatic field driven by control means 119,117,118a,b. Matsuura et. al. 016' does not teach having stacks of cells where plural cells are not stacked in a one-for-one manner and having the cells having other shapes such as hexagonal or square or triangular shapes.

10. Brown Elliot U.S.P. No. 7,307,646 teaches (Figs. 1-23) a multi-pixel imaging device and method of making same including plural stacked arrangements of stacked pixel cells 70,72,74,76,80 ,84,86,88,90,14,18,20 which can be stacked or superimposed so that the plurality of cells do not correspond one-for-one and can include a variety of shapes such as square, hexagonal, or triangular so that better image resolution is obtained for the image display.

11. Since both Matsuura et. al. 016' and Brown Elliot 646' are both from the same field of endeavor, i.e. imaging devices and method of making same, the purpose of using the stacked pixel arrangements so that the pixels are not matched one-for-one and can be of a variety of different shapes for better imaging resolution, as is taught by

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Brown Elliot 646', would have been recognized in the pertinent art of Matsuura et. al. 016'.

12. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the electrostatic partice imaging display of Matsuura et. al 016' by using the stacked pixel arrangements so that the pixels are not matched one-for-one and can be of a variety of different shapes, as is taught by Brown Elliot 646' for purpose of obtaining better imaging resolution in a display device

13. A copy of PTO-1449 will be included in this office action.

14. The following references are also cited by the Examiner as being pertinent and/or related art: Sakurai et. al., U.S. Patent Application Publication No. U.S.

2008/0174854A1 (Figs.1-10) and Oue et. al., U.S.P. No. 7,342,556 (Figs.1-17).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN M. HEALY whose telephone number is (571)272-2347. The examiner can normally be reached on M-F 6AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on (571)272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/BRIAN M. HEALY/
Primary Examiner
Art Unit 2883**
